

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PETER BISTRAN

v.

WARDEN TROY LEVI, et al.

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CIVIL CASE  
NO. 08-3010

FILED

MAR 07 2016

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep Clerk

**STIPULATION TO DISMISS DEFENDANT GARY REYNOLDS, M.D. AND  
COUNT IV OF PLAINTIFF'S THIRD AMENDED COMPLAINT**

WHEREAS, the plaintiff, Peter Bistran ("Plaintiff"), filed a Third Amended Complaint in the above-referenced litigation on February 9, 2015<sup>1</sup>, against, *inter alia*., the defendant, Gary Reynolds, M.D. ("Dr. Reynolds"); and,

WHEREAS, Plaintiff and Dr. Reynolds hereby stipulate and agree that:

- (1) Dr. Reynolds shall be **DISMISSED** as a defendant from this lawsuit without prejudice;
- (2) Count IV of the Third Amended Complaint against Dr. Reynolds alleging a Substantive Due Process Claim for Deliberate Indifference to Medical Needs under the Fifth Amendment shall be **DISMISSED** without prejudice;
- (3) As a condition of this dismissal, Dr. Reynolds agrees to appear should any party in the case subpoena him to testify, provided the party that issues the subpoena reimburses Dr. Reynolds for travel expenses incurred for attendance at trial. Dr. Reynolds' counsel, Yvonne Montgomery, will accept service on his behalf;
- (4) Dr. Reynolds agrees to be subject to the jurisdiction of the Court in which this case is pending with respect to all matters concerning a subpoena for his

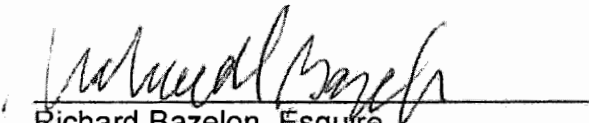
<sup>1</sup> Plaintiff commenced this action by filing a Complaint on June 27, 2008. Prior to the Third Amended Complaint, Plaintiff filed amended complaints as follows; a First Amended Complaint filed on May 29, 2009; and, a Second Amended Complaint filed on July 31, 2009.

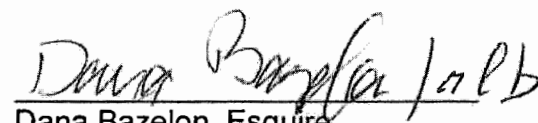
attendance at trial;

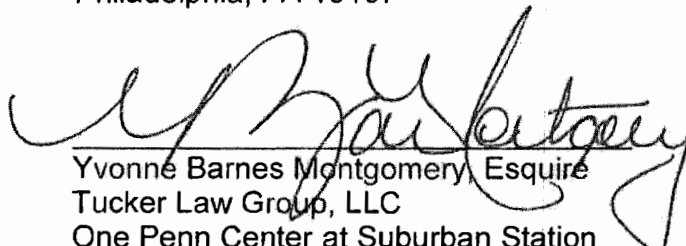
(5) All Parties agree that the dismissal of Defendant Reynolds and Count IV of the Third Amended Complaint is without prejudice to any of Plaintiff's claims against any other defendant and is otherwise without prejudice to any other claim in this case; and,

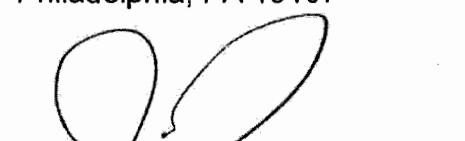
(6) The parties recognize that this stipulation requires approval by the Court in order to effect the aforesaid dismissal.


**So Stipulated:**

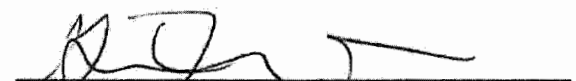
  
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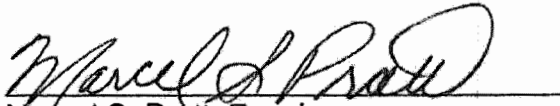
  
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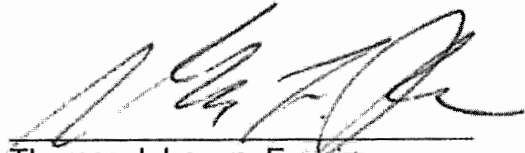
  
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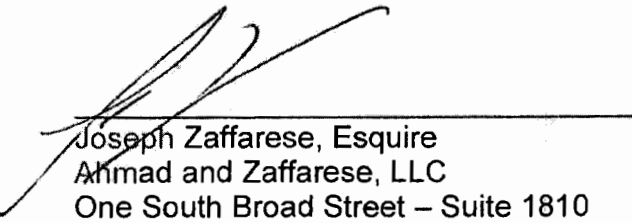
  
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Approved: March 4, 2016

Hon. Cynthia M. Rufo, J.

**ENTERED**

**MAR 08 2016**

**CLERK OF COURT**